

Constitutional and Legislative Affairs Committee

CLA(4)-06-11

CLA39

Constitutional and Legislative Affairs Committee Draft Report

Title: The Mental Health (Independent Mental Health Advocates) (Wales) Regulations 2011

Procedure: Affirmative

These Regulations make provision as to the arrangements for the appointment of Independent Mental Health Advocates (“IMHAs”) including provision as to who may be appointed as an IMHA and persons who may be visited and interviewed by an IMHA for the purposes of providing help to a Welsh qualifying compulsory patient or a Welsh qualifying informal patient.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this draft instrument:

Merits Scrutiny

Under Standing Order 21.3 (ii) (issues of public policy likely to be of interest of the Assembly) the Assembly is invited to pay special attention to the following instrument.

These Regulations are part of a suite of regulations made by the Welsh Ministers under powers conferred on them by provisions of the Mental Health (Wales) Measure 2010 (“the Measure”) or under provisions of the Mental Health Act 1983 (“the Act”) as amended by the Measure designed to develop and enhance mental health services in Wales.

These Regulations replace and revoke the Mental Health (Independent Mental Health Advocates) (Wales) Regulations 2008 and are made under the 1983 Act following amendment of that Act by the 2010 Measure.

The amendments to the Act provide for a Wales only extended statutory scheme of mental health advocacy both for patients subject to compulsion under the Act and for those in hospital or a registered establishment informally (i.e. not under compulsion).

These Regulations are made subject to the affirmative procedure and consequently will be debated by the Assembly in Plenary.

Legal Advisers
Constitutional and Legislative Affairs Committee

23 September 2011